

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JMG IMPROVEMENTS, INC., et al., :
:
Plaintiffs, : ORDER
:
-v.- : 20 Civ. 2882 (RA) (GWG)
:
ARCH SPECIALTY INSURANCE COMPANY, :
et al., :
Defendants. :
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GABRIEL W. GORENSTEIN, United States Magistrate Judge

Judge Abrams has referred an application from plaintiff made by letter dated July 6, 2021, regarding the filing of material designated as confidential to the undersigned. It appears that this letter (without the attachments) contains no confidential material and thus it must be filed on the public docket. Plaintiff is directed to do so forthwith.

Counsel for defendants shall respond to the July 6, 2021, letter by filing a letter on or before July 14, 2021. The Court notes that, because the material at issue is contained in a motion for summary judgment, the “confidential” designation permitted under the Court’s Confidentiality Order is no longer relevant. Instead, defendants must provide justification for sealing that satisfies the demanding standards applicable to summary judgment filings as set forth in Lugosh v. Pyramid Co. of Onondaga, 435 F.3d 110 (2d Cir. 2006).

If defendants’ responsive letter itself contains confidential material, defendants should file on the docket by the scheduled deadline a redacted version of their responsive letter. An unredacted courtesy copy of the responsive letter may be sent to Chambers by email. (Counsel should contact Chambers by telephone to obtain the email address of Chambers.)

As for plaintiff’s cross-motion papers, until the dispute is resolved, plaintiff should file on the docket by the scheduled deadline a redacted version of its cross-motion — that is, a version that redacts the material designated as confidential and any references to it. An unredacted courtesy copy of the motion papers shall be supplied to Judge Abrams by email. If the Court ultimately rules that defendants have failed to justify any or all of the redactions, plaintiff shall promptly refile any affected document in accordance with the Court’s ruling.

SO ORDERED.

Dated: July 7, 2021

New York, New York


GABRIEL W. GORENSTEIN
United States Magistrate Judge